

Civil Rights Information Guide for Food Stamps

Purpose of the Civil Rights Information Guide

The Food Stamp Act of 1977, as amended, prohibits discrimination against any applicant or participant in any aspect of Food Stamps program for reasons of age, race, color, sex, disability, religion, national origin, or political beliefs. The purpose of this guide is to provide information about how to ensure compliance with and enforcement of the prohibition against discrimination in all Food and Nutrition Services (FNS) programs and activities. FNS is a branch of the United States Department of Agriculture that administers the Food Stamps program at a Federal Level.

The information in this guide is taken directly from FNS policy and other documents.

Protected Bases

As stated above, FNS prohibits discrimination against all customers in any aspect of program administration for the eight following reasons (or protected bases):

1. Race
2. Color
3. National origin
4. Age
5. Sex
6. Disability
7. Religion
8. Political Beliefs

Race

The Food Stamp Act of 1977, as amended, and Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.

Examples of race discrimination

- A case worker, who is an Alaskan Native, is employed by a job-service program that helps clients search for employment. The case worker applies less lenient education and work history requirements for Alaskan Natives when assessing their job skills to determine which employers to refer them to. As a result, non-Alaskan Natives are not referred to employers that pay high wages.
- A health care facility directs its caregivers not to treat certain residents based solely on the employees' race.

Color

The Food Stamp Act of 1977, as amended, and Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.

Examples of color discrimination

- Color discrimination can occur even between persons of the same race. For example, it would violate Title VI if a light-skinned African American case worker refused to issue FS benefits to a dark-skinned African American applicant/participate due to skin color and who was otherwise eligible to receive benefits.
- A case worker knows that their client associates with someone who is Asian American. Each time the worker speaks to the client about their case, the worker tells the client that they should only interact with “their kind (Caucasian).”

National Origin

The Food Stamp Act of 1977, as amended, and Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.

Examples of national origin discrimination

- A supervisor instructs case workers to subject Caribbean clients/applicants, specifically Haitians and Jamaicans, to stricter interviewing guidelines.
- A field office posts cartoon-like pictures in the lobby that refers to people of Middle-Eastern descent as “camel jockeys.”

Age

The Food Stamp Act of 1977, as amended, and the Age Discrimination Act of 1975 which prohibits discrimination based on age in programs or activities receiving federal financial assistance.

Examples of age discrimination

- A FS worker regularly refers clients to other benefits and services. This FS worker does not refer clients over a certain age to these services because the worker thinks those benefits and services should be saved for younger working adults.
- A case worker is expected to notify all clients/applicants about the availability of area food banks. Because the worker thinks the food banks are overused, he does not refer senior citizens to them because he thinks they get enough assistance through the FS program.

Sex

The Food Stamp Act of 1977, as amended, and Title IX of the Education Amendments of 1972 prohibits discrimination based on sex under any education program or activity receiving Federal financial assistance; and USDA Implementing Regulation.

Examples of sex discrimination

- A female case worker subjects male clients/applicants to inappropriate sexual comments, conduct, and name calling because of their gender. When the clients/applicants ask her to stop, the case worker tells them not to forget that she is the one in charge of their application for assistance.
- At the end of each month, a male case worker makes follow-up calls to clients and applicants for information that is required to complete their application for assistance. To do this, he sorts each application according to the date it was received, and then by gender. Because he believes men are not equally served by the program, he calls all of the male clients and applicants first. As a result, applications submitted by women are not processed until the end of each month, regardless of the date the application was received.

Disability

Protection under the ADA and Section 504:

Federal law prohibits public entities from discriminating against *qualified individuals with disabilities* in all programs, activities, and services. An *individual with a disability* is a person who has a physical or mental impairment that substantially limits major life activities; has a record of such impairment; or is regarded as having such impairment. *Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. A *qualified individual with a disability* is an individual with a disability who meets the essential eligibility requirements for receipt of services or participation in programs or activities. Whether a particular condition constitutes a disability within the meaning of the ADA and Section 504 requires a case-by-case determination.

Physical or mental impairments include, but are not limited to: visual, speech, and hearing impairments; mental retardation, emotional illness, and specific learning disabilities; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; orthopedic conditions; cancer; heart disease; diabetes; and contagious and non-contagious diseases such as tuberculosis and HIV disease (whether symptomatic or asymptomatic).

Providing Reasonable Accommodation

The Department recognizes that during the course of the workday, staff provide various types of assistance to participants that may or may not have a qualified disability. In fact, most requests for reasonable accommodation can be provided for at the time of the request without asking for any additional information from the applicant/participant about their disability. This informal method is the preferred way to respond to such requests.

Here are some situations where reasonable accommodation may be requested:

- A client or applicant states that due to a physical or mental impairment they cannot do something (i.e., complete an Application for Assistance, provide proof of documentation, or read a notice letter);

- The client or applicant indicates that a change in their circumstances (i.e., due to some type of an physical or mental impairment) now prevents them from doing something they were able to do in the past, such as, fill out an Application for Assistance, participate in telephone interviews, or complete the required job search activities.

If it is not clear the accommodation can be provided at the time of the request, talk with management before using the more formal method of providing reasonable accommodation outlined in the next portion of this chapter.

The Reasonable Accommodation Process, and when to use it:

On occasion, the need for a reasonable accommodation is not clear based upon the information already provided by the applicant/participant. If this happens, staff may need to request additional information from the applicant/participant in order to respond to their need for an accommodation. To do this, use the following formal process:

1. Request that the client provide evidence of the disability (i.e., cannot write, see, or hear). This generally consists of a note from a doctor that states what their disability is.
2. Ask for evidence of the type of help needed due to their disability, such as need help reading, writing, hearing, or completing forms. This also generally consists of a note from a doctor that identifies what help is needed due to their disability.
3. Review the information obtained from the client with management.
4. If the accommodation cannot be provided or providing an accommodation would result in a fundamental alteration in the nature of the program or activity, or would create undue financial and administrative burdens, discuss with management.
5. Although a normal response time to a client or applicant's request for reasonable accommodation is about 10 business days after receiving the information requested in #1 and #2 above, tell the client or applicant that every effort will be made to respond sooner, but it cannot be guaranteed.

Examples of Reasonable Accommodation:

- A program provides cash grants to individuals who can demonstrate their eligibility. The application process, however, is lengthy and complex. When many individuals with mental disabilities apply for benefits, they are unable to complete the application process successfully. Modifications to the program might include simplifying the application process or providing applicants who have mental disabilities with assistance to complete the process.
- Sam is a person with a disability and is meeting with his caseworker. Sam requires assistance in order to use the toilet facilities and his only companion is a person of the opposite sex. Permitting a person of the opposite sex to assist Sam in a toilet room designated for one sex may be a required reasonable accommodation.
- Ed has a hearing impairment. When he meets with his caseworker to recertify for benefits, they often communicate through written materials and exchange of written notes. For example, his caseworker will provide Ed with a list of any documentation that he must submit to complete his application for recertification. In many simple transactions or communications, communications provided through such simple methods will be as effective as the communications provided to other individuals in similar situations who are not hearing impaired.

Religion

The Food Stamp Act of 1977, as amended, prohibits discrimination based on religion in programs and activities receiving federal financial assistance.

Examples of religion discrimination

- A case worker, who is Christian, asks her clients if they are Christian. If they say no, she tells them that if they will pray with her, she will expedite their request for FS.
- A case worker conducts phone interviews on Friday afternoons, between the hours of 4 p.m. and 6 p.m. A client is scheduled for an interview at 5 p.m., an hour after sunset. Because the client's Sabbath Day commences at sunset (4 p.m.) on Friday, the client requests their interview be scheduled earlier in the day to observe their Sabbath. The worker refuses, even though a different interview time could be arranged.

Political Beliefs

The Food Stamp Act of 1977, as amended, prohibits discrimination based on political beliefs in programs and activities receiving federal financial assistance.

Examples of political beliefs discrimination

- A case worker informs his clients that their application for assistance will be processed once they read a politically-oriented pamphlet at that time and complete the accompanying voter registration card.
- A supervisor supports a specific political party. That supervisor regularly engages in conversation with clients and applicants about their political beliefs. If the supervisor senses that the clients or applicants do not support their party of preference, the supervisor tells them that they should support the party to ensure the continuation of benefits and services they receive.

Responding to Complaints

The Department has specific procedures for handling complaints, depending on whether it is a Civil Rights complaint or another type of complaint (for example, a customer service complaint).

Each Department contract partner must have their own specific procedures to follow that align with Federal regulations.

Eight protected bases

As previously stated, FNS prohibits discrimination against any applicant or participant in any aspect of Food Stamps program administration for the eight following reasons (or protected bases):

- Race
- Color
- National Origin
- Age
- Sex
- Disability
- Religion
- Political Beliefs

Other information

- Customers must file their complaints within 180 days of the alleged discrimination.
- Complaints can be verbal, in writing, or anonymous.
- The customer does not have to overtly use the word 'discrimination' for an allegation of discrimination to be made. For example, an elderly participant may say that because she is older, she is not receiving as much Food Stamps as a family with a single mother would. In this case, she is not overtly saying she is being discriminated against, but in her complaint she is referring to age, which is one of the eight protected bases.

Data Collection Requirements

Based on direction from FNS, the Idaho Food Stamps program requires that certain data about each customer be collected.

Types of data that Food and Nutrition Services (FNS) requires to be collected

Data that must be collected are included on the Application for Assistance (AFA) and are listed in a two question format. FNS specifies that the data must be collected in this format:

Ethnicity:

- *Hispanic or Latino:* (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture, regardless of race; or,
- *Not Hispanic or Latino*

Race:

- *American Indian or Alaskan Native:* A person having origins in any of the original peoples of North and South America, including Central American, and who maintains tribal affiliations or community attachment.
- *Asian:* A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Viet Nam.
- *Black or African American:* A person having origins in any of the black racial groups of Africa.
- *Native Hawaiian or other Pacific Islander:* A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- *White:* A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Why is this data collected?

FNS requires this data to be collected because:

- FNS wants to ensure that hungry people are fed.
- FNS wants to ensure that all those who are potentially eligible for the Idaho Food Stamps program are reached.
- Data collection makes it easier for FNS to identify discrepancies in ethnicities and races that are served by the Food Stamps program, compared to the ethnic and racial distribution of the regular population. These discrepancies will then be investigated to discover their causes.
- The data will make it easier for FNS to provide additional outreach, as needed, to underserved populations.

What should be done when the customer cannot or will not self-identify?

Self-identification by the customer is the preferred method of obtaining this data. When a customer does not provide this information, the one collecting the data (e.g. the clerical staff or the worker) must use visual observation to collect the data. **However, the data collector may not second guess, or in any way change or challenge a self-declaration made by the customer as to his or her race or ethnicity, unless such declarations are patently false.**

If this situation arises, do the following:

1. Inform the customer that the information is used solely for the purpose of determining the state's compliance with federal civil rights laws and that the customer's response will not affect the eligibility process.
2. Tell the customer that the Federal Food Stamps program requires the Department to collect this information and it is used by the Federal government to determine how effectively the Food Stamps program is reaching potentially eligible persons.
3. If the customer still will not self-identify, use visual observation to collect the data and fill it in on the AFA.

If there is a telephone interview, and the participant will not self-identify, do the following:

1. Inform the customer that the information is used solely for the purpose of determining the state's compliance with federal civil rights laws and that the customer's response will not affect the eligibility process.
2. Tell the customer that the Federal Food Stamps program requires the Department to collect this information and it is used by the Federal government to determine how effectively the Food Stamps program is reaching potentially eligible persons.
3. If the customer still will not self-identify, use the default information that EPICS provides: non-Hispanic or Non Latino Caucasian.

Public Notification

Food and Nutrition Services (FNS) requires that all of its programs, including the Idaho Food Stamps program, include a public notification system. The purpose of this system is to inform all customers, including potentially eligible persons, of program availability, program rights and responsibilities, the policy of non-discrimination, and the procedure for filing a complaint.

Basic Elements of Public Notification

There are three basic elements of public notification:

1. *Program Availability:* The Idaho Food Stamps program must take specific action to inform customers of their program rights and responsibilities and the steps necessary for participation.
2. *Complaint Information:* Customers must be advised during the eligibility process of their right to file a complaint, how to file a complaint, and the complaint procedures.
3. *Nondiscrimination Statement:* All Food Stamps material and sources, including web sites, must contain a nondiscrimination statement. At the minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information.

The non-discrimination statement for Food Stamp program only materials is as follows:

"In accordance with Federal Law and U.S. Department of Agriculture (USDA) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs or disability.

"To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington DC, 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."

The non-discrimination statement for documents where information about the Food Stamp program is combined with other programs is as follows:

"In accordance with Federal Law and U.S. Department of Agriculture (USDA) and US Department of Health and Human Services (HHS) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

"Under the Food Stamp Act and USDA policy, discrimination is prohibited also on the basis of religion or political beliefs.

"To file a complaint of discrimination, contact USDA or HHS:

- Write USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington DC, 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY).
- Write HHS, Director, Office for Civil Rights, Room 506-F, 200 Independence Ave S.W., Washington D.C. 20201 or call (202) 619-0403 (voice) or (202) 619-3257 (TTY).
- USDA and HHS are equal opportunity providers and employers."

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the text that “The USDA and HHS are equal opportunity providers and employers.”

In addition, the [“And Justice for All” poster](#) (see picture below) should be prominently displayed in the field office lobby. If they wish, Food Stamps workers may also display the poster in their personal office spaces.

